

City of Taunton, MA

141 Oak Street, Taunton, MA 02780
ph: (508) 821-1000

9-4-14 mins.

**MINUTES
CITY OF TAUNTON
ZONING BOARD OF APPEALS**

September 4, 2014 at 6:00 PM

Members Present were: Dennis Ackerman Chairman, Steven Vieira, Joseph Amaral and Michael Staple. .

Meeting opens at 6:01 pm.

Steve made motion to accept minutes of July 31, 2014 seconded by Joe. All in favor.

Chairman Ackerman informed all the petitioners there are only 4 members present and if they wanted to continue until next month to have full board they can. He explained they need all members in favor. All petitioners wanted to go forward with 4 members.

Chairman Ackerman explains the ZBA process. The petitioner presents their case then they hear from anyone in favor or opposed then they go back to the petitioner to address any of the opposition concerns, they do not go back & forth.

Requesting 6-month extension – Case # 3188 – 40, 46 & 56 County St. – Silvia

Motion made and seconded to Grant 6-month extension.

Vote: Ackerman, Amaral, Staples, Vieira....Yes

6-Month extension granted.

Cont'd. Case # 3235 Koss 44 Dean St. Prop. I.D. 55-756 & 55-757

A Variance from Section 7.1.2; 7.3.1; 17.4; 17.4.4; 17.6.6; 17.6.8; 17.6.9 & 7.11 of the Zoning Ordinance for the development of a parcel located in the Transit Oriented Development Overlay District. Said development having less than the required parking lot landscaping, 90 parking spaces (instead of 120); a five (5) story building 55' in height (instead of 3 stories, with 40' in height); residential units on ground floor (instead of parking or commercial space on ground floor); parking in front of building (instead of behind building); building not situated parallel or perpendicular to street; building situated away from street (instead of close to street) a reduction of landscaping buffer from 15 feet to 7.5.

Chairman Ackerman suggested asking the applicant if they aren't ready next month ask for a couple months continuance.

Letter requesting a continuance and extending the time frame on which to act on this proposal.

Motion made and seconded to grant continuance.

Vote: Staples, Amaral, Ackerman, Vieira....Yes.

Petition continued.

Case # 3229

Ceven

815 Middleboro Avenue

Meeting held on September 4, 2014

The Petition of Al & Linda Ceven, 988 Middleboro Avenue, E. Taunton, Ma. for a Special Permit from Section 7.9 and a Variance from Section 7.9 #4 of the Zoning Ordinance for a 905 square foot Accessory Dwelling Unit (over the allowed 850 sq. ft.) and over the 30% habitable floor area.

For the Petitioner: Al Ceven, 988 Middleboro Avenue, E. Taunton, Ma.

In favor: None

Opposition: None

Mr. Ceven stated they continued hearing from last month because fence wasn't up but now fence is up. Chairman Ackerman stated he heard the fence was put in wrong place? Mr. Ceven said no they put it up and got approval from the City. Chairman Ackerman asked who approved it? Mr.Ceven stated he didn't know and the Secretary informed the Board the City planner reviewed decision and based on it signed off on the building permit. Steve asked if a permit was issued? The secretary stated she didn't know but the City Planner signed off on it.

Motion made and seconded to grant with the following condition:

File decision upon confirmation of the issuance of a building permit for fence.

Vote: Berube, Vieira, Amaral, Ackerman,YES

Petition Continued:

Case #3246

Loura

218R Hart St

A Variance from Section 6.2 & 6.3 of the Zoning Ordinance to allow the division of one lot into two lots without having the required frontage, lot width, lot area, and municipal sewer. Lot 4-2A having the existing duplex with 27,301 sq. ft. (instead of 30,000 sq ft.) 18.06' of frontage & lot width (instead of 125' frontage, and 100' lot width); Lot 4-3 having 0 feet of frontage & lot width (instead of 125' frontage & 100' lot width) with 25,112 sq. ft. (instead of 30,000 sq. ft.) for the construction of a single dwelling.

For the Petitioner: Louis Loura, 220A Hart St, Taunton, Ma

In favor: None

Opposition: None

Mr. Louis stated he received approval last year but due to some health issues the variance has expired before he could ask for an extension. The only change is he is now proposing a single family for himself to live in, rather than a duplex. The original house was 28 x 72' but now it's 28' x 54'. No one in favor or opposed. Dept. letters from City Planner, Conservation

Commission, Board of health were read into the record and placed on file. Mr. Loura stated he planted the plantings (purchased at Bristol Aggie School as a great price) and he will put up fencing when completed. Chairman Ackerman stated those were the condition in original decision and they will put on this new decision. Mr. Loura didn't have any problem with that.

Motion made and seconded to Grant as Presented:

Vote: Vieira Staples, Ackerman, Amaral, Yes
Petition Granted.

Case #3247 CREF II Silver City LLC

2 Galleria Mall Dr.

For A Variance from Section 7.5 of the Zoning Ordinance to allow the replacement of existing signs as follows: To refurbish & reface internal illuminated pylon with electronic message center (645 sq. ft.) Replace existing ground sign with proposed ground sign (596 sq. ft.) with tenant panels. Replace (2) existing ground signs – (83.75 sq. ft. each) Replace (4) directional signs – (19.47 sq. ft. each) Refurbish existing ground sign - (21 sq. ft.) Refurbish existing ground sign – same square footage as existing, Refurbish free-standing directional sign (2.66 sq. ft.) Replace (2) wall signs – (284.11 sq. ft. each), Install (2) window graphics – (239.6 sq. ft. each), Install window graphics – (217.37 sq. ft.)

For the Petitioner: Gary Bolduc, Poyant Signs, New Bedford, Ma.

In favor: none

Opposition: None

Mr. Bolduc stated he is here for all the sign at the Galleria Mall. The mall is rebranding and prior to November wants all the signs approved and up. They have spent over 1 million dollars on new highway sign and they will, at this point, re-face the existing cabinet. They are still trying to gain financing and may do highway sign next year. Mr. Bolduc went over all the signs explaining the new logo and some are same size just re-facing. But some are different. He passed out plans showing each and every sign. Joe asked why did he have to come here if they are the same? Chairman Ackerman stated the City Planner requested him which generate revenue for the City. . No one in favor or opposed. Letters from the City Planner, Conservation Commission and Board of Health.

Motion made and seconded to Grant as Presented .

Vote: Vieira Staples, Ackerman, Amaral, Yes
Petition Granted.

Case #3248

Silveira

13 Chester St.

For A Variance from Section 6.2 & 6.3 of the Zoning Ordinance to allow the construction of a single family dwelling on an existing 1.1 acre parcel of land with 12' feet of frontage & lot width (instead of 100') located in the Urban Residential District. Said parcel of land being divided from the adjacent existing parcel of land held in common ownership known as **13 Chester Street, Taunton, Ma. (Assessor's Map 46, Lots 203 & 248)** property owned by Kenneth Jones, Sr.

For the Petitioner: Atty. Matthew Costa, Gay & Gay, P.C., P. O. Box 988, Taunton, Ma.

In favor: Paula Morin, 15 Chester St., Taunton, Ma.

Opposed: Richard Torres, 125 Eldridge St. Taunton, Ma.
John Barkan, 125 Eldridge St., Taunton, Ma.

Atty. Costa states the petitioner has a P&S for this property of which had received zoning approval but due to work (travel) obligations the original petitioner (Ken Jones) never exercised the variance. Atty. Costa stated they are now ready to sell property and has buyer ready to go. The 3 previous approval were for the same exact proposal. There is 1.1 acres of land with a 12 foot entrance. The land is landlocked and by no means was it self-inflicted. The parcel has an existing 14- 15' wide easement and they will be using that for access. Atty. Costa stated that the owner, Ken Jones, had the Fire department go out and driveway a truck to determine if it can fit. There has even been a bulldozer back there for the sewer and water. They will bring in underground utilities. Atty. Costa states there is a unique shape with a long narrow driveway to a parcel in back. If they had 50 feet of frontage they would be grandfathered. Steve asked about utilities and they stated they will put underground, under driveway. Chairman Ackerman asked about the ROW and read letter from Paula Morin, 15 Chester Street asking for underground utilities. Joe asked if this was the exact same request as approved in 1993, 2003. Atty. Costa answers yes. In favor: Kenneth Jones, owner has owned the property for 50 years and due to his work obligations did not use previous variances. He now wants to sell it. He did have fire truck (snorkel) come down and turnaround and they had no problem. Opposition: Richard Torres, & John Barkan, 125 Eldridge St., stated they wanted to make sure of the drainage. Chairman Ackerman informed them if approved they will place same conditions. Mr. Torres asked if the 4 feet was part of the driveway? Chairman Ackerman states they will work with the fire department to make that determination. Joe asked what setback were required and the secretary informed them of the Urban Residential District setbacks. Letters from the City Planner, Board of Health and Conservation Commission were read into the record.

Motion made and seconded to Grant as Presented with the following conditions:

- Receipt of an engineered plan showing radius as presented and pre-existing topography.
- As-Built plan must be filed prior to Certificate of Occupancy being issued showing finished grade of construction with minimal elevation grade changes.
- Engineer plans to be submitted to the Fire Department for review and approval of entry way radius relative to emergency vehicles' ability to access **prior to recording of decision**.
- All utilities (water, sewer, electric) must be underground.

Vote: Vieira Staples, Ackerman, Amaral, Yes
Petition Granted.

Case #3249

Hebert

9 Bassett St.

For A Variance from Section 7.1.6 of the Zoning Ordinance to allow a horse to be 150 feet from the nearest home an adjacent lot (instead of 300 feet).

For the Petitioner: Dennis & Jeanne Hebert, 9 Bassett St., Taunton, Ma.

In favor: Robert Boyer, 13 Bassett St., Taunton, Ma.
Phil Bourett, 7 Bassett St., Taunton, Ma.

Opposition: Frank Leahy, 30 Ryan Circle, Taunton, Ma.

Mrs. Hebert states they are here tonight to request a variance which would allow them to keep their horse on their property. They moved horse in back of their property where trees were while they did some construction.

Now they have moved the horse closer to their house. Mrs. Hebert stated they will do whatever the Board wants. They met with Board of Health and they meet their 150' requirement. She stated the side abutter is all set and they could put up fence if the Board wants. She doesn't know neighbor in back. Steve asked how long has the horse been there? She said since June and they only have 1 horse and that's it. In favor: Robert Boyer, 13 Bassett St., states they keep the pen clean and he has no issues with the horse being there. In favor: Phil Bourret, 7 Bassett St., Taunton, Ma. Opposed: Frank Leahy, 30 Ryan Circle, stated he's not oppose to the horse but doesn't want the odor. He feels bad that he has to be here opposing but he had people who were visiting mention the odor. He stated unfortunately he is impacting. They did move the horse but it was right near the property line. He suggests a compromise perhaps moving it and re-visit and if he has no issues with the odor then they don't have to come back. Joe asked why are they here tonight? Mrs. Hebert stated someone complained and they received letter. The shed is about 85 feet from the rear property line. She stated she has a muck bucket for the waste and she empties 3 times a day when she is not working, 2 when she is working. She could put it in enclosed container. Discussion took place and it was agreed that they would move it closer to their house. Mr. Leahy stated he's not opposed to the horse just the odor. Letters from the Board of Health, City Planner and Conservation Commission.

Motion made and seconded to Grant as Presented with the following conditions:

- Move horse (shed & corral) as close to house as possible (still maintaining the 150 feet setback to nearest house on adjacent lot) to result in larger setback to rear property line.
- The Waste must be kept in an enclosed container at all times.

Vote: Vieira Staples, Ackerman, Amaral, Yes

Petition Granted.

Meeting adjourned at 7:00 pm.